

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 19-0641V
UNPUBLISHED

STEINAR LEE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 1, 2021

Special Processing Unit (SPU);
Proffer on Damages; Influenza (Flu);
Guillain-Barré syndrome (GBS).

Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA, for Petitioner.

Lynn Christina Schlie, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On April 30, 2019, Steinar Lee filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that he suffered Guillain-Barré syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered on November 2, 2017. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 23, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for GBS. ECF No. 25. On September 1, 2021, the parties filed the attached proffer, which states that a decision should be entered awarding compensation. ECF No.

¹ Because this unpublished opinion contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the opinion will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

42. I find the proffer reasonable and adopt it as my decision awarding damages, on the terms set forth therein.

Pursuant to the terms stated in the attached Proffer, I **award** the following compensation:

- **A lump sum of \$328,155.19 (which amount includes \$162,000.00 for pain and suffering, \$162,192.00 for actual loss of earnings, and \$3,963.19 for actual unreimbursable expenses). Proffer at 1.**

This amount represents compensation for all items of damages that would be available under Section 15(a). *Id.*

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran

Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

STEINAR LEE,)	
)	
Petitioner,)	
)	
v.)	No. 19-641V
)	Chief Special Master Corcoran
SECRETARY OF HEALTH AND HUMAN)	ECF
SERVICES,)	
)	
Respondent.)	
)	

On June 12, 2020, respondent conceded that entitlement to compensation was appropriate under the terms of the Vaccine Act. ECF No. 24. On June 23, 2020, Chief Special Master Corcoran issued a Ruling on Entitlement, finding that petitioner was entitled to vaccine compensation for his Guillain-Barre Syndrome (“GBS”). ECF No. 25.

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$328,155.19. The award is comprised of the following: \$162,000.00 for pain and suffering, \$162,192.00 for actual loss of earnings, and \$3,963.19, for actual unreimbursable expenses. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

The parties recommend that compensation provided to petitioner should be made through a lump sum payment of **\$328,155.19**, in the form of a check payable to petitioner. Petitioner agrees.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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Dated: September 1, 2021